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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,482	04/01/2004	Wellen Sham	5088-0002	8505
28777 7590 06/30/2008 MICHAEL L. DIAZ, P.C. 555 REPUBLIC DRIVE, SUITE 200 PLANO, TX 75074				
EXAMINER				
WEST, THOMAS C				
ART UNIT		PAPER NUMBER		
3685				
MAIL DATE		DELIVERY MODE		
06/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,482

Applicant(s)

SHAM, WELLEN

Examiner

THOMAS WEST

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Arguments/Remarks filed on April 2, 2008.
2. Claims 1-53 are currently pending and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-53 are rejected under U.S.C. 102(e) as being unpatentable over Walker, U.S. Patent Application No. 2002/0193162.

Claims 1, 19, 34, 43:

Walker, as shown, discloses the following limitations:

- generating revenue (see at least paragraph 5);
- plurality of rounds (see at least paragraph 96);

- determining fee (see at least paragraph 104);
- sending fee (see at least paragraph 25);
- transferring fee to network provider (see at least paragraph 25);
- user id (see at least paragraph 20).

Claims 2-8, 22-25, 35-38, 46-49:

Walker, as shown, discloses the following limitations:

- threshold (see at least paragraphs 98, 99, 175);
- next round (see at least paragraphs 98, 99).

Claims 9, 10, 20, 21, 39, 44, 45:

Walker, as shown, discloses the following limitations:

- fee per game (see at least paragraphs 86, 104, 106, 113);
- elapsed time (see at least paragraph 20).

Claims 16, 30, 40, 50:

Walker, as shown, discloses the following limitations:

- communication protocol (see at least paragraph 36).

Claims 32, 52:

Walker, as shown, discloses the following limitations:

- advertising fees charged (see at least paragraph 5).

Claims 18, 31, 42, 51:

Walker, as shown, discloses the following limitations:

- points acknowledging ad (see at least paragraphs 112, 185).

Claims 17, 33, 41, 53:

Walker, as shown, discloses the following limitations:

- winner and prize (see at least paragraphs 49, 176).

Claims 11, 12, 13, 26, 27:

Walker, as shown, discloses the following limitations:

- billing user (see at least paragraphs 49, 176);
- user id (see at least paragraph 20).

Claims 14, 15, 28, 29:

Walker, as shown, discloses the following limitations:

- wireless and ISP (see at least paragraphs 25).

Response to Arguments

5. Applicant's arguments filed April 2, 2008 have been fully considered but are not persuasive. Applicant's arguments will be addressed in sequential order as they were set forth in the "Remarks" section on the above date. Applicant argues concerning claim 1, that Walker does not teach determining a fee for each game. The Examiner respectfully points to paragraph 113 of Walker, "an entry fee may be paid at various

different times. Examples of when an entry fee may be paid include: at the start of a video game, after a game is finished, during a game (e.g., a player may be prompted to insert payment in order to continue an ongoing game)".

Regarding claim 1, transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game, Walker, as shown above, collects entry fees for each game. Walker also shows a distributed electronic tournament system (paragraph 25, network). In a gaming system where the game provider and network provider are separate entities, it is inherent that the network provider compensates the game provider in some way. As shown below, revenue sharing schemes are prevalent since this provides a royalty payment to the game provider based on game usage and/or popularity.

The accounting function provides an accounting capability to the game provider for any games that the game provider has "on participation" (i.e., the game provider shares in the revenue generated by a game terminal placed in a customer network) or was sold to a customer outright. The accounting capability provided by the AAA server 492 enables the game provider to account for and collect the revenues generated by the gaming terminal (Gentles, US Patent Application 20040266533, paragraph 211).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3685
June 23, 2008

/Jalatee Worjloh/
Primary Examiner, Art Unit 3685